

16 FEB 1965

MEMORANDUM FOR THE RECORD

SUBJECT: Hazardous Duty Pay

1. H.R. 1535 was reported to the House and on 10 February, it was passed.

2. In essence, the bill would authorize the Civil Service Commission to promulgate regulations establishing hazardous duty pay for unusual physical hardship performed on an irregular or intermittent basis. The premium pay cannot exceed 25 per cent of basic compensation and is not applicable when the physical hardship or hazard is taken into account in classifying the employee's position (assuming this is done when unusual physical hardship or hazard is a condition of employment on a regular basis).

3. Although not required to do so, the Agency, as a matter of policy, has adopted the pay provisions of the Classification Act of 1949. However, by doing this, the Agency has not exhausted its legal authority to provide for additional compensation under a variety of circumstances and outside of the Classification Act. Since the Agency has used its legal authority in this matter sparingly and primarily in those instances which typify the need for unique solutions to unique Agency problems, the passage of H.R. 1535 could not help but provide sound underpinnings for the Agency's adoption of a premium pay policy for unusual, irregular, and intermittent hazardous duty. In this case, it is assumed that we would adopt the rules and regulations issued by the Civil Service Commission.

4. The House Bill and report have been sent to OTR, DDP, and D/Personnel. The bill in no way limits our legal authority with respect to the payment of compensation. As pointed out in the preceding paragraph, it may well have the practical effect of broadening our scheme of compensation payments. A most interesting point aside from these considerations is found in the House Report. The report assumed that positions requiring the performance of hazardous duty on a continuous basis are classified so that an increment of compensation is paid in recognition of this hazard.

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Office of Legislative Counsel

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